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OF RACIAL DISCRIMINATION
Sixtieth session
4-22 March 2002

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Austria

1. The Committee considered the fourteenth periodic report of Austria (CERD/C/362/Add.7) at its 1502nd and 1503rd meetings (CERD/C/SR.1502 and 1503), held on 7 and 8 March 2002, and at its 1520th meeting (CERD/C/SR.1520), on 21 March 2002, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the updating report presented by the Government of Austria, which focuses on the recommendations made by the Committee in its previous concluding observations (CERD/C/304/Add.64, dated 7 April 1999). The Committee also welcomes the regularity of the State party's submission of periodic reports.

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B. Positive aspects

3. The Committee welcomes recent developments that have taken place in the field of human rights in Austria. It notes in particular the establishment in July 1999 of the Human Rights Advisory Council, an independent body with a mandate to review and monitor the activities of the law enforcement organs in accordance with human rights principles, as well as the establishment of the posts of human rights coordinator at the Austrian federal ministries and the governments of the nine Austrian Länder.

4. It notes with satisfaction the establishment of the Immigrants Fund to assist new immigrants by providing free advice in their native language on questions concerning their integration in Austria.

5. It notes also the continuation of the work of the Reconciliation Fund for Victims of National Socialism which so far has received and approved some 50,000 applications for compensation from persons who were subjected to forced labour during the Nazi era.

6. The Committee notes the inclusion of provisions aimed at combating racism and xenophobia in national legislation, such as the Industrial Code, the Maintenance of Law and Order Act and media law, in particular the Broadcasting Act and the Regional Radio Act.

7. The Committee further notes with approval the efforts undertaken by the State party to safeguard linguistic diversity in the country, including the adoption of bilingual topographical signs in areas inhabited by Croat and Hungarian minorities.

8. The Committee welcomes the fact that Austria recently made the declaration under article 14 of the Convention recognizing the competence of the Committee to examine communications from individuals or groups of individuals.

C. Concerns and recommendations

9. The Committee is concerned at the wording of article 1, paragraph 1, of the Federal Constitutional Act implementing the Convention, which stipulates that the legislature and the executive shall refrain from any distinction on the "sole" ground of race, colour, or national or ethnic origin. In the Committee's view, this may be regarded as representing a narrower prohibition of discrimination than is provided in the Convention. The Committee recalls that multiple discrimination, for example discrimination based simultaneously on race and sex, falls within the scope of the Convention, and that such phenomena are addressed in the final documents of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Therefore, while noting that an amendment to this provision is currently under consideration, the Committee reiterates its previous invitation to the State party (CERD/C/304/Add.64, para. 11) to consider the possibility of deleting the word "sole" from article 1, paragraph 1, of the Federal Constitutional Act, taking into consideration general recommendation XXV of the Committee.

10. Concerning articles 2 and 4 of the Convention, the Committee is of the view that the legislation in place to combat racism is not totally adequate to combat discrimination effectively. While noting the existence of provisions in criminal legislation aimed at combating racism, as well as recognizing racist or xenophobia motivations as aggravating circumstances for crimes, the Committee reiterates its recommendation (ibid, para. 11) to the State party to introduce general legislation prohibiting racial discrimination in all its forms.

11. The Committee has difficulty in understanding the distinction made by the State party between autochthonous and other minorities and the legal and practical consequences following from this. The Committee invites the State party to provide further clarification in this regard in its next periodic report.

12. The State party's traditional respect for individual privacy when collecting information on the ethnic composition of the population is noted. However, the Committee expresses concern about the paucity of data at its disposal for monitoring the implementation of the Convention. The Committee wishes to emphasize that it is of fundamental importance to establish basic statistics that indicate how minorities are integrated into society, and invites the State party to find ways to provide such data in its next periodic report, including the percentage of minorities in the workforce and various governmental and private-sector institutions.

13. The Committee is concerned about the significant number of allegations which have been brought to its attention which reflect the existence of racist and xenophobic attitudes among some sections of the population. It is further concerned about allegations of racist incidents involving police officers and other State employees. In the light of general recommendation XIX, the Committee encourages the State party to continue to monitor all tendencies which may give rise to racial or ethnic segregation and to endeavour to combat the negative consequences of such tendencies. The Committee further recommends that the State party strengthen existing educational measures for civil servants who deal with issues involving foreigners. Efforts should be made to recruit more members of minority groups into the public administration, in particular law enforcement.

14. The Committee is concerned at the considerable number of asylum-seekers without identity documents who have been denied public assistance from the Federal Care and Maintenance Programme and who must therefore rely on private assistance and other agencies for survival. The Committee recommends that the State party ensure the provision of basic and equal assistance to all asylum-seekers, without distinction as to race or ethnic and national origin.

15. The Committee also reiterates its appeal to the State party to ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

16. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized. It encourages the State party to insert the Committee's concluding observations on the appropriate ministry's web site.

17. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

18. The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report, due on 8 June 2003, that it be an updating report, and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Belgium

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Belgium (CERD/C/381/Add.1), which were due on 6 September 1996, 1998 and 2000 respectively, at its 1509th and 1510th meetings, held on 13 and 14 March 2002 (CERD/C/SR.1509 and 1510). At its 1520th meeting (CERD/C/SR.1520), held on 21 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed reports submitted by the State party, while regretting the late submission of the eleventh and twelfth periodic reports. The Committee was encouraged by the attendance of a delegation composed of representatives of many government departments at the federal, community and regional levels, and expresses its appreciation for the constructive oral responses of the delegation to the questions asked.

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B. Positive aspects

3. The Committee welcomes recent developments that have taken place in the State party in the field of human rights. It notes, in particular the enactment of new laws and the ratification of a number of international treaties, such as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Rome Statute of the International Criminal Court.

4. The Committee welcomes the declaration made by the State party under article 14 of the Convention.

5. With regard to article 4 of the Convention the Committee notes with appreciation the State party's efforts in the field of legislative reform, especially the amendment to article 150 of the Constitution, which transfers jurisdiction over acts motivated by racism and xenophobia committed through the media to lower instance criminal courts. It also welcomes the imposition of financial sanctions on anti-democratic political parties that disseminate racism and xenophobia.

6. The Committee notes with appreciation the work of the Centre for Equal Opportunity and the Struggle against Racism, and in particular the agreement reached between the postal authorities and the Centre with a view to preventing the distribution of material containing racist propaganda and xenophobic statements.

7. The Committee notes measures taken by the State party to counter the dissemination of racist statements on the Internet.

8. The Committee welcomes the measures taken by the State party to raise awareness of racism and racial discrimination, in particular in the army and among criminal justice officials. It also welcomes the measures taken to limit the information given by the judicial and police authorities to the press regarding the ethnic origin and the nationality of the alleged offenders.

9. The Committee also welcomes the election of a body representing the Muslim communities with a view to maintaining and developing dialogue with the public authorities in Belgium.

10. With regard to article 5 of the Convention, the Committee takes note of measures in Flanders forbidding discrimination, including on racial or ethnic grounds, in collective labour agreements, and of measures facilitating the education of migrant children. The Committee also takes note of measures in the Walloon region for the education of children of illegal migrants and for the study by migrant children of their mother tongue on the basis of bilateral agreements with their country of origin.

C. Concerns and recommendations

11. The Committee notes that the primacy of the provisions of the Convention over internal laws depends on the evaluation by the judge as to whether such provisions are directly applicable. It recommends that the State party include in its next periodic report specific information on the status of the Convention in domestic law and on court cases, if any, in which the Convention was invoked.

12. The Committee notes that a draft general law on racial discrimination is under consideration by the Parliament and encourages the State party to adopt it as soon as possible.

13. The Committee notes that no reference is made in the report to article 3 of the Convention. The Committee recommends that the State party provide in its next periodic report relevant information on any trend towards segregation of communities, especially in large cities, and measures taken by the authorities to prevent such developments.

14. The Committee is concerned that there is no legislation prohibiting racist organizations and propaganda activities. It is also concerned about the increasing influence of xenophobic ideology on political parties, especially in Flanders. In this context, the Committee requests the State party to give more information on the application of the 1998 law on withdrawing financial support to political parties that incite racism or racial hostility, or disseminate racial propaganda. Taking into account the mandatory nature of article 4 of the Convention, the Committee also recommends that the State party enact legislation that declares illegal and prohibits any organization which promotes or incites to racism and racial discrimination and consider withdrawing its reservation to this article. In this context, the Committee draws the attention of the State party to its general recommendation XV.

15. The Committee expresses concern about reports according to which the legal provisions designed to prosecute and punish acts of racism and racial discrimination are not applied. It also expresses concern at the length of procedures for the investigation of complaints by victims of racial discrimination. The Committee recommends that the State party ensure that all acts of racism and racial discrimination are investigated and that the alleged perpetrators, if found guilty, be punished.

16. Concern was also expressed about several cases of racist incidents in police stations involving law enforcement officials, where the victims were immigrants and asylum-seekers. The Committee is also concerned about reports that children belonging to ethnic minority groups have experienced verbal violence. The Committee recommends that the State party take all necessary measures to prosecute racially motivated acts of violence by law enforcement officials and to prevent such verbal offences against members of minority groups, and continue its efforts to promote intercultural tolerance, understanding and respect.

17. With regard to the amendment to article 150 of the Constitution, the Committee requests the State party to provide detailed information in its next periodic report on the number of cases brought before the Belgian courts and the decisions taken with regard to acts of racism, racial discrimination or incitement to racial hostility, in which the media, especially the press, were involved.

18. The Committee is concerned about the difficulties of access to employment and housing of members of ethnic minorities. The Committee recommends that the State party take all necessary measures to facilitate the occupational integration, in both the public and private sectors, and the access to housing, of persons belonging to ethnic minorities. The Committee recommends that the State party provide in its next periodic report information on the situation in all regions of the State party, including on complaints of racial discrimination and on redress, if any, provided to the victims.

19. While noting the positive efforts undertaken by the State party in the field of education against racial discrimination, the Committee expresses concern about the absence or insufficiency of educational measures for some professional groups, such as judges, prosecutors, lawyers and civil servants. The Committee recommends that the State party give full effect to the provisions of article 7 of the Convention by adopting effective measures, particularly in the fields of education and training, in order to prevent racial discrimination.

20. While noting the satisfactory measures taken in the State party, especially by the Centre for Equal Opportunity and the Struggle against Racism, following the events of 11 September 2001 in the United States, in order to promote tolerance between religious communities, the Committee regrets occurrences of racial acts against persons belonging to ethnic minorities, especially those of the Muslim faith. The Committee recommends that the State party include in its next periodic report detailed information on the development of the situation and measures taken in this field.

21. The Committee recommends that the State party include in its next periodic report detailed information on the work of the Centre, the number of complaints received, as well as the outcome of cases brought before the courts.

22. Noting the responsibility of the Federal State for the implementation of the Convention, the Committee recommends that the State party provide in its next periodic report detailed information on the demographic composition of the population and socio-economic data disaggregated by gender and national and ethnic group for all its regions and communities.

23. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

24. The Committee reiterates its appeal to the State party to ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

25. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

26. The Committee recommends that the State party submit its fourteenth periodic report jointly with its fifteenth periodic report, due on 6 September 2004, that it be an updating report, and that it address the points raised in the present concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

COSTA RICA

1. The Committee considered the sixteenth periodic report of Costa Rica (CERD/C/384/Add.5), which was due on 4 January 2000, at its 1513th and 1514th meetings, held on 15 and 18 March 2002 (CERD/C/SR.1513 and 1514). At its 1521st meeting (CERD/C/SR.1521), held on 21 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party, the contents of which correspond to the Committee's revised reporting guidelines (CERD/C/70/Rev.5), and the fact that the report was prepared in consultation with non-governmental organizations.

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3. The Committee commends the State party for the regularity of its submission of its periodic reports under the Convention. The Committee expresses its appreciation for the self-critical tone of the report and for the frank and constructive dialogue held with the representatives of the State party. The Committee appreciates the substantial additional oral information provided by the delegation in response to the questions asked.

B. Positive aspects

4. The Committee notes that according to article 7 of the Constitution of Costa Rica, international human rights treaties take precedence over domestic legislation. It also welcomes the fact that such treaties, insofar as they recognize a broader range of rights or guarantees than in the Constitution, take precedence over constitutional provisions. It further welcomes the fact that international human rights treaties can be invoked directly before the courts.

5. The Committee notes the adoption in May 1999 of article 76 of the Constitution, according to which the State shall ensure that the national indigenous languages are safeguarded.

6. The Committee notes with satisfaction that during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the President of Costa Rica publicly apologized for past errors committed against Afro-Costa Ricans. It further welcomes the commemoration of the International Day for the Elimination of Racial Discrimination in schools, in accordance with paragraph 131 of the Durban Programme of Action.

7. The Committee welcomes the recent (January 2002) adoption of a resolution by the Office of the National Control of Propaganda prohibiting any radio broadcast or transmission, or any commercial product depicting bias against women, particularly black women.

8. The Committee welcomes the State party's ratification of the amendments to article 8, paragraph 6, of the Convention.

9. The Committee welcomes the recently issued standing invitation to visit the country transmitted by the Government of Costa Rica to all mechanisms of the Commission on Human Rights, including the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

C. Concerns and recommendations

10. The Committee is concerned that under Costa Rican legislation racial discrimination is considered merely a misdemeanour subject to a financial penalty. The State party is invited to consider whether such penalties are commensurate with the gravity of the acts committed.

11. The Committee is concerned at the situation of indigenous people, in particularly:

(a) Information according to which indigenous people living in remote regions suffer, inter alia, from lack of health care, education, drinking water and electricity;

(b) Problems of ownership of land; that land has reportedly been appropriated by migrants and transnational enterprises;

(c) Difficulties faced by indigenous people in obtaining public funds for the improvement of their living standards;

(d) The fact that infant mortality among indigenous communities is reportedly three times higher than the national average.

The Committee invites the State party to continue to pay due attention to the specific needs of this population. It recommends that the State party undertake the necessary measures to protect indigenous lands from being invaded and to enable the restitution of those lands that have been occupied by non-indigenous persons.

12. The Committee takes note of the fact that the draft Act for the Autonomous Development of the Indigenous Peoples, aimed at granting full autonomy to indigenous peoples and recognizing their right to enjoy their own cultures, as well as the right to administer their territories, was withdrawn in the Legislative Assembly. The Committee notes that in June 2001, a draft act, similar in content to the draft Act for the Autonomous Development of the Indigenous Peoples, was presented in the Legislative Assembly. The Committee requests the State party to provide information about developments in this regard.

13. The Committee notes with concern the shortcomings of the State party in its activities on behalf of indigenous peoples, as reported by the Office of the Ombudsman, in particular the failure on the part of the authorities to maintain communication with the indigenous population and the absence of specific government plans for them. In this context, the Committee wishes to refer to its general recommendation XXIII, in which it calls upon States parties to ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent.

14. The Committee expresses concern at alleged manifestations in the media of racism, xenophobia and intolerance against minority groups. The State party should support the adoption of a code of ethics for the media.

15. The Committee is also concerned at the living and working conditions of immigrants, most of them from Nicaragua, who may become victims of discrimination in terms of article 5 of the Convention. The Committee recommends that the State party continue its efforts to ensure the rights of the immigrant population as regards discrimination on the grounds of race or ethnic or national origin. In this context, the Committee notes that a new immigration law is currently being considered by the Legislative Assembly. The Committee requests the State party to provide further information on developments in this regard in its next periodic report.

16. The Committee expresses concern at the alleged discriminatory application of legislation in force on refugee status determination procedure. According to information received, the

requirements set by that legislation to determine refugee status are applied differently to different nationalities. The Committee recommends that the State party ensure equal treatment for all asylum-seekers in refugee status determination proceedings, and in particular Colombians.

17. While commending the efficiency and credibility of the Costa Rican judicial system, the Committee expresses concern at information concerning the lack of equal access to the courts, particularly by minority and ethnic groups. The Committee encourages the State party to continue to make efforts to ensure de facto equal access to the courts to all persons, including members of minority and ethnic groups.

18. The Committee is also concerned about the lack of representation of minorities at the judicial and governmental levels. The Committee recommends that the State party undertake affirmative action to ensure such minority representation.

19. While noting that there is no regulation of the Internet in national legislation, the Committee encourages the State party to adopt legislation in conformity with the Convention and to disseminate and promote the Convention by every means possible, including the Internet.

20. The Committee recommends that the State party continue to undertake educational campaigns to raise awareness of human rights, and in particular of issues concerning racism, xenophobia and intolerance, in order to prevent and combat all forms of discrimination.

21. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized. It encourages the State party to continue inserting the Committee's concluding observations on the appropriate web site.

22. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

23. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth periodic report, due on 4 January 2004, as an updating report, and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Croatia

1. The Committee considered the fourth and fifth periodic reports of Croatia (CERD/C/373/Add.1) at its 1499th and 1500th meetings, (CERN/C/SR.1499 and 1500) on 6 and 7 March 2002, and, at its 1517th meeting (CERD/C/SR.1517), on 19 March 2002, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party and expresses its appreciation for the dialogue with the high-level delegation and for the answers given orally to the wide range of questions asked by members. While appreciating the extensive supplementary information given to it during the examination of the report, the Committee regrets that the responses to its previous concluding observations (CERD/C/304/Add.55), dated, 10 February 1999 were not included in the body of the State party report.

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3. The Committee regrets further that the report contains information mainly on the legal framework for the protection of rights of minorities and does not give sufficient information on the implementation of such legislation or on the extent to which minority communities enjoy the protection afforded by the Convention.

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party is going through a challenging period of economic and social change in a period of post-war reconstruction, which has resulted in obstacles to the full implementation of the Convention.

C. Positive aspects

5. The Committee welcomes the efforts of the State party to introduce legislative reform in accordance with international standards, and to establish institutions, programmes and policies to promote equality. In particular, the Committee welcomes the adoption of the Associations Act, the establishment of the Office for Human Rights, the elaboration of a project of education aimed at achieving equality for minorities and promoting multiculturalism, the implementation of programmes of human rights education within the school environment, and the introduction of human rights training for police officers and judges.

6. The Committee notes with appreciation the State party's statement of cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) as well as with relevant United Nations bodies, including the Office of the High Commissioner for Human Rights (OHCHR), and regional organizations.

7. The Committee welcomes the State party's stated commitment to involve non-governmental organizations (NGOs) in the preparation of its next periodic report to the Committee, as well as its statement of intent to subscribe to article 14 of the Convention.

D. Concerns and Recommendations

8. The Committee reiterates its concern about the lack of clarity as to the various definitions used in the report and in domestic legislation to describe ethnic and national minorities. The Committee is concerned that the recent withdrawal of the draft Constitutional Law on the Rights of National Minorities will create further delays in legislative protection for such minorities. The Committee recommends that the State party include in its next periodic report clarification as to the legal definitions used for describing the various minorities. It encourages the State party to finalize the Constitutional Law on the Rights of National Minorities in conformity with international standards and to include information regarding this matter in its next report.

9. It is noted that statistical data provided in the State party report are based on the 1991 census and that the results of the 2001 census are still pending. The Committee is concerned that the delay in the publication of the results may create distrust among communities and has presented some difficulties for the Committee in undertaking an effective analysis of issues affecting minorities. The Committee strongly encourages the State party to finalize and publish the general population census conducted in 2001 in order inter alia to implement

provisions of the law affecting political representation as well as to ensure, as necessary, special protection and benefits for ethnic minorities. Moreover, it is recommended that the next periodic report include updated statistical data on the demographic composition of the Croatian population.

10. With respect to article 2 of the Convention, the Committee remains concerned about the limited representation of minorities in the Croatian Parliament. While it is noted that the Act on Election of Representatives to the Croatian State Parliament provides for proportional representation of minorities, the Committee is concerned that not all minority groups are included in this process while others are underrepresented. In particular, it is noted that Bosnians are not included in the list of minorities who may exercise the right to be represented in Parliament. It is recommended that the State party take further measures to ensure fair and adequate representation of all groups of minorities in the Croatian Parliament and to include in its next report information concerning the measures taken in this regard.

11. The Committee expresses concern at the continued practice of segregation of Roma children within the educational system and at the reports of discrimination against the Roma regarding access to employment, health, political representation and citizenship rights. The Committee recommends that the State party pay particular attention to the situation of the Roma and take effective measures to prevent the segregation of Roma children within the educational system. The Committee further recommends that the State party strengthen its efforts to address the high drop-out and poor performance rates of Roma children and guarantee non-discrimination, especially as regards respect for their cultural identity, language and values. The Committee also encourages the State party to reinforce its efforts to train and recruit Roma teachers and to prevent discrimination against the Roma in access to employment, health, political representation and citizenship rights.

12. The Committee reiterates its concern regarding the lack of legal provisions to implement the State party's obligations under article 4 (b) of the Convention, notably the absence of legislative measures prohibiting incitement to racial discrimination and violence. Concern is also expressed about the adequacy of efforts by the State party to investigate and prosecute persons responsible for fomenting ethnic hatred, especially in the localities affected by war. In this connection, the Committee notes that there have been no convictions by the courts for incitement to racial discrimination and violence, despite the significant number of such allegations. The Committee recommends that the State party comply fully with the obligations under article 4 of the Convention and that the necessary legislative measures be taken in order to give full effect to the provisions of that article and to declare illegal and prosecute incitement to ethnic hatred and racial violence.

13. While noting the challenges confronted by the State party in meeting the needs of large numbers of refugees, returnees and displaced persons, the Committee is concerned that return is still hindered by legal and administrative impediments and hostile attitudes adopted by some central and local officials. In this regard, concern is further expressed about allegations of inconsistency and lack of transparency in the National Programme for Return. The Committee is particularly concerned about the insufficient efforts of the State party to prevent discrimination

against minorities, especially Croatian Serbs, in addressing issues of restitution of property, tenancy and occupancy rights, reconstruction assistance, as well as the inter-related issues of residency and citizenship rights. The Committee recommends that the State party introduce further measures to ensure fairness, consistency and transparency in the National Programme for Return. Further, the State party is strongly urged to take effective measures to prevent discrimination, especially against Croatian Serbs, particularly as regards the restitution of their property, tenancy and occupancy rights, access to reconstruction assistance and rights to residency and citizenship. It is recommended that the State party provide in its next periodic report information concerning the steps taken to introduce effective legal and administrative regimes to resolve these issues. The Committee draws the attention of the State party to its general recommendation XXII concerning the rights of refugees and displaced persons.

14. With respect to article 5 of the Convention, the Committee restates its concern regarding inconsistency between articles 8 and 16 of the Croatian Law on Citizenship, which appears to establish different criteria in granting citizenship to ethnic Croats as compared to other nationalities in Croatia. Concern is expressed that many former long-term residents of Croatia, particularly persons of Serb origin and other minorities, have been unable to regain residency status despite their pre-conflict attachment to Croatia. With respect to the acquisition of citizenship, the Committee again strongly urges that the State party undertake measures to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner. The Committee also recommends that measures be taken to ensure that former long-term residents of Croatia are able to reclaim their status as citizens and/or residents on a non-discriminatory basis.

15. The Committee is concerned about repeated claims of discriminatory application of the right to equal treatment before the law, particularly in the area of property claims, where the courts reportedly continue to favour persons of Croat origin. The Committee also notes the large backlog of cases before the courts, which impedes access to justice. The Committee recommends that the State party reinforce its efforts to ensure non-discrimination in the application of the right to equal treatment before the law, particularly in the area of repossession of property. The Committee further recommends that the State party include detailed information in its next periodic report concerning the measures taken to reduce the backlog of cases before the courts and improve access to justice.

16. While noting the efforts of the State party to introduce training for the police and judges, the Committee is concerned about the sufficiency of efforts to raise public awareness about the Convention, promote tolerance and discourage prejudice against certain minorities. The Committee recommends that the State party strengthen its efforts to familiarize the public with the Convention, in order to reduce the level of prejudice against certain minorities, and to promote tolerance. In this regard, the State party should reinforce its efforts to provide instruction on international human rights standards in all schools and organize training programmes for persons engaged in the administration of justice, including judges, lawyers and law enforcement officials.

17. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

19. The Committee recommends that the State party submit its sixth periodic report together with the seventh report, due on 8 October 2004, as an updating report responding to the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

Denmark

1. The Committee considered the fifteenth periodic of Denmark (CERD/C/40/Add.1) at its 1507th and 1508th meetings (CERD/C/SR.1507 and 1508), on 12 and 13 March 2002, and at its 1522nd meeting (CERD/C/SR.1522) on 21 March 2002, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report presented by the delegation of Denmark and notes that it contains relevant information about developments that have occurred since the consideration of the previous periodic report, including in Greenland. The Committee also notes with appreciation that the report includes responses to the concerns raised in the previous concluding observations (CERD/C/304/Add.93) issued in April 2000, concerning the fourteenth

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periodic report of Denmark. The State party's timely submission of its periodic reports under the Convention is noted with satisfaction. The Committee expresses appreciation for the frank dialogue with the delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

B. Positive aspects

3. The Committee welcomes the recent recommendations by the Inter-Ministerial Committee to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into Danish law.

4. The Committee welcomes the positive steps taken to implement the Act on Integration of Aliens (1998) including the survey, carried out two years later by the Committee of Ministers on Integration, to evaluate the implementation of the Act.

5. The Committee appreciates the efforts made by Denmark to facilitate the implementation of article 2 of the Convention through the application of legal instruments, including section 266b of the Danish Criminal Code, and other measures to prohibit the dissemination of racist statements and propaganda and to prosecute offenders.

6. The Committee welcomes the improvement of employment opportunities for minorities and refugees in the public sector, the creation of integration councils to ensure ongoing integration efforts, and the relative success in procuring housing for refugees, in line with article 5 of the Convention.

7. The Committee also welcomes the State party's favourable attitude towards the application of article 14 of the Convention and particularly appreciates the information on follow-up action included in the report.

8. With respect to Greenland, the Committee welcomes the establishment of the Commission on Self-Government, inter alia, to submit proposals for amending the Home Rule Act. The transaction of the International Convention on the Elimination of All Forms of Racial Discrimination into the Greenlandic language is also welcomed.

C. Concerns and recommendations

9. The Committee notes that the Act on Integration of Aliens (1998) transfers the responsibility for aliens' integration from the central to the local authorities. While the Committee welcomes the efforts by the central Government to monitor the local authorities carefully, it recommends that the State party pay particular attention to ensuring that the geographical distribution of aliens with the State party is organized on the principle of equity and does not lead to violation of their rights recognized under the Convention.

10. The Committee is aware of reports of an increase in hate speech in Denmark. While it acknowledges the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommends that the State party carefully monitor such speech for possible violations of articles 2 and 4 of the Convention. In this regard, the

Committee invites the State party to take particular note of paragraphs 85 and 115 of the Durban Declaration and Programme of Action, respectively, which highlight the key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance. Political parties are encouraged to take steps to promote solidarity, tolerance, respect and equality by developing voluntary codes of conduct so that their members refrain from public statements and actions that encourage or incite racial discrimination.

11. The Committee takes note of the information on the temporary suspension of the licence of Radio OASEN owned by a neo-Nazi association and recommends that the Danish Government take decisive steps to prohibit such organizations in accordance with article 4 (b) of the Convention.

12. The Committee is concerned that policies and practices such as the housing dispersal policy, the quota system for the admission of minority children to certain crèches and nurseries, and the reported prohibition of the use of the mother tongue in some of these establishments may, though aimed at facilitating integration, lead to indirect discrimination against minorities and refugees. The Committee requests more information on this situation in its next periodic report.

13. The Committee commends the State party for having invested in its human rights institutions and in a number of non-governmental organizations, which have promoted human rights and served the needs of minority groups, but is concerned by plans to reduce the level of funds and the potential impact this would have on the NGOs concerned. In light of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to strengthen human rights national institutions and NGOs, the Committee urges the State party to ensure that the organizational restructuring of the Board of Ethnic Equality and the Centre for Human Rights will strengthen the overall work on human rights and in particular the protection of the rights of ethnic minorities. It is concerned about the withdrawal of funds from certain NGOs. The Committee recommends that the State party include information on this mater in its next periodic report.

14. While acknowledging the information provided in the report regarding article 5 of the Convention, the Committee reiterates that equal attention should be paid to economic, social and cultural rights, particularly with respect to minorities. The Committee is concerned about the impact of the recent (May 2000) amendments to the Aliens Act, particularly as they abolish the statutory right to reunification of spouses under the age of 25 years. The Committee encourages the State party to take effective measures to ensure that the right to family life is guaranteed to all persons in Denmark without distinction. It recommends that the State party report on this issue in its next periodic report.

15. The Committee commends the State party for having instituted programmes, such as the language training programme for unemployed persons with insufficient knowledge of the Danish language; the strengthening of the Public Employment Services placement activities in relation to refugees and immigrants; and the "ice-breaker" programme. However, despite overall improvements, it is concerned about the disproportionately high level of unemployment among

foreigners, particularly groups of immigrants of non-European and non-North American descent. The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment.

16. The Committee is concerned about reports of a considerable increase in reported cases of widespread harassment of people of Arab and Muslim backgrounds since 11 September 2001. The Committee recommends that the State party monitor this situation carefully, take decisive action to protect the rights of victims and deal with perpetrators, and report on this matter in its next periodic report.

17. The Committee is concerned about the introduction of new, more stringent asylum and refugee regulations, and encourages the State party to maintain its standards and ensure that all cases of asylum-seekers are decided on merit and without discrimination.

18. The Committee reiterates its previous concern regarding the delay in resolving the claims of the Inughuit with respect to the Thule Air Base. The Committee notes with serious concern claims of denials by Denmark of the identity and continued existence of the Inughuit as a separate ethnic or tribal entity, and recalls its general recommendation XXIII on indigenous peoples general recommendation VIII on the application of article 1 (self-identification) and general recommendation XXIV concerning article 1 (international standard). The Committee recommends that the State party include information in its next periodic report concerning these issues.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

20. The Committee recommends that the reports of the State party be made available to the public from the time they are submitted and that the concluding observations of the Committee on these reports be similarly publicized.

21. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report, due on 8 January 2005, that it be an updating report, and that it address all points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Jamaica

1. The Committee considered the eighth to fifteenth periodic reports of Jamaica, submitted as one document (CERD/C/383/Add.1), at its 1511th and 1512th meetings (CERD/C/SR.1511 and CERD/C/SR.1512), held on 14 and 15 March 2002. At its 1521st meeting (CERD/C/SR.1521), held on 21 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the eighth to fifteenth periodic reports of Jamaica as well as the additional information provided by the delegation during its oral presentation. While regretting the limited information provided in the report, including with respect to follow-up to previous concluding observations, the Committee expressed appreciation for the opportunity to renew its dialogue with the State party after a lapse of more than eight years.

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B. Positive aspects

3. The Committee welcomes the enactment of the Public Defenders (Interim) Act (1999), which created the office of the Public Defender to protect and enforce human rights and provide a remedy for the infringement of those rights.

C. Concerns and recommendations

4. The Committee notes that the State party has undertaken a constitutional review process intended, inter alia, to provide for the enactment of a Ratification of Treaties Act to ensure the incorporation of international treaty obligations into domestic legislation. Noting that this activity has been under way for some time, the Committee encourages the State party to take further measures to finalize the review process and to submit relevant information concerning this matter in its next periodic report. The Committee also wishes to receive more specific information concerning the implementation of the "fundamental rights and freedoms" provided in section 24 of the Constitution, especially those aimed at addressing discrimination based on race, colour or ethnic origin.

5. The Committee reminds the State party that it has difficulties in accepting the mere assertion made by States parties as to the absence of racial discrimination in their territory. The Committee also reminds the State party that the absence of complaints by victims of racial discrimination could indicate a lack of awareness of available legal remedies. It encourages the State party to reconsider its position concerning racial discrimination in its territory and to implement effective measures to address direct and indirect discrimination. Moreover, the Committee recommends that the State party take appropriate measures to inform the public of the availability of legal remedies for victims of racial discrimination. It further requests the State party to include in its next periodic report statistical information on possible prosecutions in cases related to racial discrimination.

6. The Committee is concerned about the absence in the State party of specific legislative, administrative and other measures which aim to give effect to article 4 of the Convention, especially article 4 (b), prohibiting racist organizations. The Committee underlines the obligations of the State party under the Convention and reiterates its view as to the preventive role of such measures. In this connection, the Committee also draws the attention of the State party to its general recommendation VII and general recommendation XV, affirming the compatibility of the prohibition of the dissemination of ideas based upon racial superiority or hatred with the right to freedom of opinion and expression. The Committee urges the State party to give due consideration to adopting the necessary legislation to comply with article 4, particularly article 4 (b), of the Convention as a matter of priority.

7. The Committee again suggests that the State party consider withdrawing its reservation to article 4 of the Convention.

8. It is regretted that the State party report did not include sufficiently adequate information on article 5 of the Convention to enable the Committee to examine effectively the situation of civil and political rights as well as economic, social and cultural rights as they relate to the

various ethnic groups in Jamaica The Committee recommends that the State party include in its forthcoming report information concerning the measures taken to implement article 5 of the Convention.

9. The Committee expresses concern about the limited information, including relevant demographic statistical data, provided in the State party report. While noting the State party's statement that it does not compile data based on race and ethnicity, the Committee recalls the importance of data, which enable it to assess the situation of minorities in a given State. In this regard, it urges the State party to reconsider its position and to provide information in its next periodic report on the following issues: (a) the ethnic composition of the population, and in particular statistical data relating to the numerically small ethnic groups; (b) disagreggated data on the employment of different racial groups in government service in different sectors.

10. The Committee notes the absence of any reference in the report to the contribution of civil society organizations in the promotion of ethnic harmony, and expresses its hope that the next periodic report will reflect the contribution of such organizations, particularly those dealing with issues related to combating racial discrimination, including raising awareness about the Convention.

11. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

12. The Committee recommends that the State party consider the possibility of making the optional declaration provided for in article 14 of the Convention.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

14. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

15. The Committee recommends that the State party submit its sixteenth periodic report together with the seventeenth report, due on 4 July 2004, as an updating report responding to all the points raised in these concluding observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

LIECHTENSTEIN

1. The Committee considered the initial report of Liechtenstein (CERD/C/394/Add.1) at its 1515th and 1516th meetings (CERD/C/SR.1515 and 1516), on 18 and 19 March 2002, and at its 1520th meeting (CERD/C/SR.1520), on 22 March 2002, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report presented by the Government of Liechtenstein, which is in general conformity with the requirements of the Convention. The Committee expresses its appreciation for the open and frank dialogue with the delegation of the State party, as well as for the detailed answers to questions raised and concerns expressed during the consideration of the report.

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B. Positive aspects

3. The Committee welcomes the submission by the State party of its initial report within the established timetable, namely the period of one year after entry into force of the Convention for Liechtenstein.

4. The Committee also expresses appreciation for the fact that the State party amended relevant national legislation to be in line with the Convention before proceeding with its ratification.

5. The Committee notes with interest that an amendment to the law on the Supreme Court will be introduced in the near future, aimed at extending the Supreme Court's competence to hear cases of alleged violations of the rights guaranteed in the Convention. In this connection, the Committee further notes with satisfaction the State party's intention to make the declaration under article 14.

6. The Committee expresses satisfaction with measures undertaken by the State party to address the phenomenon of right-wing extremism, which was reported to be on the increase in Liechtenstein. Those measures include the establishment of an expert group within the police force and the creation of an inter-agency coordinating group (KOR) for this phenomenon.

7. The Committee notes the efforts undertaken by the State party to ensure the integration of refugees and asylum-seekers in society, inter alia through access to the labour market, as well as through the admission of children of refugees and asylum-seekers to public schools, complemented by intensive German language courses.

8. The Committee notes with appreciation that civil servants in Liechtenstein are not necessarily required to have Liechtenstein citizenship.

C. Concerns and recommendations

9. The Committee notes that, while a police treaty between the State party and its neighbouring countries (Austria and Switzerland) provides for police cooperation concerning right-wing groups which may promote racial discrimination and xenophobia and their activities, there does not seem to be particular training of law enforcement officers in this field. The Committee recommends that the State party attempt to develop such training courses for law enforcement officers, as this would increase the State party's capacity to combat all forms of racial discrimination effectively.

10. The Committee notes that the State party is supporting efforts made by non-governmental organizations to help foreigners to integrate into society. The Committee recommends that the State party continue to lend its support to such organizations in this work which includes providing German language courses, counselling services and information. The Committee recommends that such activities be expanded, with a view to raising multicultural awareness and enhancing mutual understanding. To that end, the State party might consider ensuring adequate financial support on a continuing basis.

11. The Committee further notes that the State party provides facilities to foreign associations organizing mother-tongue language courses and courses on the culture of countries of origin, but that it does not provide financial support for teachers or educational material. The Committee therefore recommends that the State party consider providing funding for associations that organize such courses

12 The Committee regrets the absence of statistical data on the number of children of refugees and asylum-seekers attending public school and intensive German language courses. The Committee requests that the State party provide statistical data in that respect in its next periodic report.

13. With regard to the right to adequate housing, the Committee is concerned that discrimination on racial grounds in the allocation of housing is said to occur, albeit infrequently. The Committee invites the State party to provide in its next report information on occurrences of discrimination in the housing sector.

14. The Committee requests the State party to provide in its next periodic report information on access to social security and health care by non-nationals.

15. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

16. The Committee invites the State party to undertake specific efforts to disseminate the Convention in German so that the population can become more aware of issues of racial discrimination, racism and xenophobia.

17. The Committee requests the State party to disseminate its report and the Committee's concluding observations widely among all levels of society, and in particular State officials and the judiciary, and to inform the Committee on steps taken to implement them in its next periodic report. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of the next periodic report.

18. The Committee recommends that the State party's next periodic report, due on 22 March 2003, be an updating report and that it address, inter alia, the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

LITHUANIA

1. The Committee considered the initial report of Lithuania (CERD/C/369/Add.2) at its 1497th and 1498th meetings (CERD/C/SR.1497 and 1498), on 5 and 6 March 2002, and at its 1520th meeting (CERD/C/SR.1520), on 21 March 2002, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party and the additional oral information provided, as well as the opportunity thus offered to initiate a dialogue with the State party.

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3. The Committee notes with satisfaction that the State party's report generally conforms to the reporting guidelines of the Committee. The Committee wishes to underline that the report of the State party presents, as expected from initial reports, the legal framework set out to implement the Convention, but contains insufficient information on the practical implementation of the Convention.

B. Positive aspects

4. The Committee notes with satisfaction that since the independence of Lithuania, considerable progress has been achieved in the field of human rights; in particular, the "zero option" in the 1989 Law on Citizenship, which enabled the majority of the population to obtain Lithuanian citizenship, has led to the construction of a more stable society.

5. The Committee welcomes the efforts made by the State party to respect, protect and promote the realization of the cultural rights of persons belonging to national minorities. In particular, the Committee welcomes the State party's willingness to protect the expression of a diversity of identities, while at the same time enhancing the integration of all within society and the realization of the right of each person to participate and contribute to cultural and social life.

6. The Committee also notes with satisfaction that the State party has ratified a large number of international and regional instruments in the field of human rights. The Committee particularly welcomes the announcement made by the delegation concerning the intention of the State party to consider making the declaration under article 14 of the Convention.

7. The Committee notes with satisfaction that a new criminal code, which includes a number of new articles establishing responsibility for crimes of racial discrimination, is shortly to enter into force.

8. The Committee welcomes the initiative taken by the Parliament (Seimas) to amend article 119 of the Constitution of Lithuania and to grant to foreign permanent residents the right to elect and to be elected to local self-government bodies (municipal councils).

9. The Committee notes with satisfaction the effort made by the State party in the field of human rights education for State officials, and welcomes the intention of the State party to disseminate the present concluding observations on the web site of the Ministry for Foreign Affairs.

C. Concerns and recommendations

10. The Committee notes that the explanations of the authorities relating to the status of the Convention at the national level were unclear. Although the delegation stated that national courts could apply directly some of the provisions of the Convention, it also stressed that the adoption of national legislation was necessary. The Committee calls for the rapid incorporation of all the provisions of the Convention into the national legal system, as necessary.

11. The Committee notes that the new Law on Citizenship is more restrictive and requires the applicants to pass tests on the Lithuanian language and the provisions of the Constitution, which may exclude from citizenship persons belonging to certain minorities. In this regard, the Committee requests the State party to include detailed information on the functioning of the new system in its next periodic report.

12. Concern was expressed about the denial of citizenship under article 13 of the Law on Citizenship to persons affected by HIV/AIDS, who may belong to groups vulnerable to racism and racial discrimination.

13. The Committee wishes to receive more detailed information concerning the right to education and the linguistic rights of persons belonging to national minorities, as well as on respect for the principle of equal treatment for all national minorities. The Committee wishes to be informed whether programmes of education on minority cultures are elaborated with the participation of the minorities. The Committee also recommends that the next periodic report of the State party contain more information relating to the participation of national minorities in political and economic life.

14. The Committee notes with concern that, despite the adoption of a programme for the integration of the Roma into Lithuanian society for 2000-2004, the Roma experience difficulties in enjoying their fundamental rights in the fields of housing, health, employment and education, and are the subject of prejudicial attitudes. In this regard, the Committee wishes to draw the attention of the State party to general recommendation XXVII on discrimination against Roma. The Committee recommends that the State party in its next periodic report, include detailed information on the measures aimed at protecting Roma as well as on the results of their implementation.

15. The Committee underlines that the periodic report of the State party remains unclear on the fundamental rights of non-citizens temporarily or permanently settled within Lithuania, including stateless persons, and requests further information in this regard.

16. The Committee expresses concern in relation to information regarding the discriminatory treatment of Afghan asylum-seekers and the disregard of basic procedural guarantees. Having taken into account the assurances given by the delegation concerning legislative provisions in this regard, the Committee nevertheless recommends that the State party ensure equal treatment for all asylum-seekers, including Afghan nationals, in refugee determination proceedings. The Committee recommends that educational rights and assistance in administrative matters be granted to children of asylum-seekers, including those of Afghan nationality.

17. The Committee is further concerned about xenophobic tendencies towards Chechen asylum-seekers and refugees and requests the State party to take preventive and educational measures in this regard. The Committee recommends that the State party ensure the enjoyment of social rights, particularly to adequate housing and health, to all asylum-seekers and refugees in need without regard to their legal status.

18. The Committee is concerned about information relating to expressions of racial hatred by politicians and the media. In this regard, the Committee stresses that the new criminal code should satisfy the requirements of article 4 of the Convention, especially paragraphs (a) and (b).

19. The Committee notes that the Parliamentary ombudsmen have received no complaints alleging discrimination by civil servants against persons on the ground of national origin, and that no criminal cases based on racial discrimination have been brought to court since 1995. The Committee recommends that awareness on these issues be raised among the police and the judiciary. The Committee requests the State party to include in its next periodic report detailed statistics relating to acts of racial discrimination, as well as information on the cases when action by the public prosecutor is compulsory. The Committee underlines that assistance to the victims in this regard should extend beyond financial assistance.

20. The Committee suggests that the State party ratify the amendments to article 8, paragraph 6, of the Convention, which were adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

22. The Committee recommends that the Convention, as well as the concluding observations adopted by the Committee, be publicized to a greater extent.

23. The Committee recommends that the State party submit its second periodic report jointly with its third periodic report, due on 9 January 2004, and that it address all points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

REPUBLIC OF MOLDOVA

1. The Committee considered the initial, second, third and fourth periodic reports of the Republic of Moldova (CERD/C/372/Add.2), which were due on 1 March 1994, 1996, 1998 and 2000 respectively, at its 1505th and 1506th meetings (CERD/C/SR.1505 and 1506), held on 11 and 12 March 2002. At its 1517th meeting (CERD/C/SR.1517), held on 19 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the delegation of the Republic of Moldova, which contains relevant information on the implementation of the provisions of the Convention in the State party. The Committee welcomes the opportunity to initiate an open and constructive dialogue with the State party. While noting that the report was not adequately structured in terms of the guidelines for the preparation of reports, the Committee appreciates the additional information provided by the State party delegation during its oral presentation.

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B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party is going through a difficult period of transition and is facing serious economic and social challenges. Further, the State cannot exercise its jurisdiction on part of its territory, the region of Transnistria, because of the ethnic conflict. The Committee is concerned about the impact of the conflict on the implementation of the Convention.

C. Positive aspects

4. The Committee welcomes the ratification by the State party of numerous international human rights instruments which are relevant to issues relating to the elimination of racial discrimination.

5. The Committee notes with satisfaction the efforts undertaken by the State party to ensure the promotion and protection of human rights through the adoption of the 1994 Constitution, which guarantees a wide spectrum of human rights, the 1990 Citizenship Law, the entry into force of the 1997 Law on Public Associations, the 1995 Law on the Press, the Laws on Public Education and Audio-Visual Broadcasting, the 1994 Law on Libraries and the proposed amendments in line with various treaty obligations.

6. The Committee welcomes the decrees which the State party has adopted with the purpose of ensuring the functioning and development of languages of ethnic minorities and the development of the national culture of minorities, including Ukrainian, Russian, Jewish and Bulgarian groups. The Committee commends that the State party continue its efforts aimed at facilitating access to education in their mother tongue for members of minorities.

7. The Committee notes the establishment of specialized institutions, demonstrating the commitment of the State party to combating racial discrimination, such as the Parliamentary Committee on Human Rights, Religious Groups, Ethnic Minorities and External Communities, the Department for National Relations and Languages, the State Service on Religious Issues, the Presidential Commission on Interethnic Relations and the Prosecutor for Minorities.

8. The Committee notes with satisfaction the efforts undertaken by the State party to implement human rights education programmes, including those intended for law enforcement officials. The Committee further notes the efforts undertaken by the State party to disseminate information on human rights and, in particular, the rights of minorities in its territory.

9. The Committee notes that the socio-economic development plans of the State party are aimed at the improvement of inter-ethnic relations.

D. Concerns and recommendations

10. The Committee notes the absence in the report of disaggregated data on the population that would provide detailed information on the ethnic composition in Moldova. The Committee recommends that the State party provide relevant data in its next periodic report, in order to facilitate understanding of the ethnic characteristics of the population.

11. The Committee notes the absence of examples of implementation of the provisions of the Convention in practice. The Committee recommends that the State party include in its next periodic report information on the implementation in practice and on the monitoring of articles 4 and 6 of the Convention, as well as data on incidents of racial discrimination in the State party. Information should also be provided on effective penalties and sanctions imposed in cases of conviction for racial discrimination or racism.

12. With regard to the constitutional and legal provisions aimed at the protection of the rights of persons belonging to ethnic minority groups, the Committee recommends that the State party take measures to guarantee more fully for ethnic minority groups, economic, social and cultural rights, as defined in article 5 (e) of the Convention, including the rights to work and to adequate housing, and that it include more detailed information in its next periodic report on the implementation of the provisions of article 5 (e).

13. Landlessness has been reported among persons belonging to some minorities previously working in collective farms, as a consequence of privatization of land held by collective farms of the Soviet era. Information on remedial measures taken by the State party to address the economic condition of the landless ethnic minorities should be given in the next periodic report.

14. With regard to article 7 of the Convention, the Committee recommends that the State party continue and extend its educational and cultural programmes in order to raise public awareness of issues of racism and racial discrimination. The Committee invites the State party to provide in its next report detailed information on the educational system, on the role of institutions or associations working to develop national culture and traditions, and on the role of the State and mass media in combating racial prejudices. The Committee also recommends that the State party ensure that minorities and ethnic groups in its territory receive information and education in their respective languages.

15. The Committee notes reports according to which, after the tragic events of 11 September 2001 in the United States, a parliamentary inquiry was conducted into the alleged existence of terrorists among students of Arab origin at the International Independent University of Moldova. The State party should ensure that actions taken should follow due process of law and that they avoid any suspicion of racial profiling.

16. The Law on Advertisements states that an advertisement is regarded as immoral if, inter alia, it makes defamatory comparisons and images with respect to race, nationality, social origin or language. The State party should provide detailed information in its next periodic report on the sanctions provided in such cases and whether there have been convictions for publishing immoral advertisements.

17. The Committee is concerned at reports of police violence against persons belonging to minority groups, in particular the Roma population. The Committee recommends that the State party take all necessary measures to prevent and punish excessive use of force by law enforcement officials against minorities. Steps should also be taken for the education and sensitization of law enforcement officials about the provisions of the Convention. Due account

should be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin.

18. The Committee expresses its concern about reports that minorities experience discrimination in the areas of employment, housing, education and health care. It is also concerned at reports that the Roma population is sometimes denied access to, and service in, places intended for the general public. The Committee recommends that the State party undertake effective measures to eradicate practices of discrimination against minorities and, in particular, the Roma population. It also recommends that the State party include in its next periodic report information on the impact of the measures taken to improve the situation of the Roma population, in the light of general recommendation XXVII.

19. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention and invites the State party to consider the possibility of doing so.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

22. The Committee recommends that the reports of the State party be made available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

23. The Committee recommends that the State party submit its fifth periodic report jointly with its sixth periodic report, due on 25 February 2004, that it be an updating report and that it address all points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

DECISION 1 (60) ON PAPUA NEW GUINEA

1. At its 1506th meeting, on 11 March 2002 (see CERD/C/SR.1506), the Committee reviewed again the implementation of the Convention by Papua New Guinea under the early warning procedure.

2. Despite the Committee's repeated requests, Papua New Guinea has not resumed its dialogue with the Committee. It has submitted neither its periodic report nor the additional information requested about the situation in Bougainville. In fact, the dialogue between Papua New Guinea and the Committee has been interrupted since 1984. The State party has not fulfilled its obligation under article 9, paragraph 1, of the Convention.

3. The Committee reiterates its decisions 2 (52) of 19 March 1998, 4 (51) of 21 August 1997, 3 (47) of 16 August 1995 and 8 (46) of 16 March 1995 on Papua New Guinea, in which it requested the State party to comply with its obligation under article 9, paragraph 1, of the Convention, mainly to provide information on the situation in Bougainville.

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4. The Committee urges the State party to submit its report under article 9, paragraph 1, of the Convention, as well as to supply information specifically on the present situation in Bougainville. In particular, the report should provide information on the demographic composition of the population, as well as the economic, social and cultural situation of the various ethnic groups. In this connection, the Committee wishes again to draw the State party's attention to the possibility of availing itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

5. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

6. The Committee hopes that the State party will also consider withdrawing its reservation to article 4 of the Convention.

7. The Committee decides that, in the absence of any indication on the part of the State party that it will comply with its obligation under article 9, paragraph 1, of the Convention, it will consider the implementation of the Convention in Papua New Guinea at its sixty-second session, in March 2003.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

QATAR

1. The Committee considered the ninth, tenth, eleventh and twelfth periodic reports of Qatar, submitted as one document (CERD/C/360/Add.1), at its 1503rd and 1504th meetings (CERD/C/SR.1503 and 1504), held on 8 and 11 March 2002, and adopted the following concluding observations at its 1518th meeting (CERD/C/SR.1518), held on 20 March 2002.

A. Introduction

2. The Committee welcomes the report submitted by the State party and the additional information provided by the delegation of Qatar in its oral presentation. It is pleased to have resumed a dialogue with the State party, which was interrupted after 1993 when the Committee examined the eighth periodic report of Qatar.

3. The Committee wishes to emphasize, however, that the report submitted is not entirely consistent with its guidelines. It notes that the State party has not submitted general information in the first part of the report, or in a core document. Equally, the report contains insufficient information on how the Convention is applied in practice.

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B. Positive aspects

4. The Committee welcomes the political reforms on which the State party has embarked, and notes in particular the review of legislation on civil liberties, the lifting of censorship on the printed media, the first elections to the Central Municipal Council, conducted with universal and equal suffrage in 1999, and the announcement of the forthcoming establishment of an elected parliament.

5. The Committee also notes with satisfaction that the State party has established a committee to draft a permanent constitution. It notes in particular the information from the delegation of Qatar that all sectors of society are represented in that committee.

6. The Committee welcomes the State party's declared intention to ratify in the near future the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

7. The Committee welcomes the assurance by the delegation of Qatar that it will forward to the competent governmental authorities the Committee's suggestion that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties, and should make the declaration provided for in article 14 of the Convention.

C. Concerns and recommendations

8. The Committee again expresses its concern over the repeated affirmations by the State party that it has no need to take action to implement articles 2, 3 and 4 of the Convention because there is no racial discrimination in Qatar. It wishes to point out that States parties are required under the Convention to take legislative, judicial, administrative and other measures to give effect to its provisions, even in the apparent absence of racism.

9. While noting that the Provisional Constitution, as well as provisions of the Islamic Shariah, the principal source of Qatar legislation, prohibit acts of racial discrimination, the Committee is of the opinion that the mere statement of the general principle of non-discrimination in the Constitution is not a sufficient response to the requirements of the Convention. The Committee recommends that the State party adopt legislation that meets the requirements of articles 2, 3 and 4 of the Convention. In this connection, the Committee draws attention to its general recommendations I, II, VII and XV, and emphasizes the preventive value of legislation expressly prohibiting racial discrimination and racist propaganda. It hopes that the next periodic report of the State party will describe the progress made in this respect.

10. As regards the right to equal treatment before the courts, the Committee takes note of the details provided by the delegation on the judicial reforms under way with a view to the establishment of a single jurisdiction for the enforcement of new legislation in areas including civil, commercial and penal law. It would like to know whether, given the current state of legislation, non-citizens and non-Muslims who suffer discrimination and who are entitled to

bring proceedings before a civil court can also bring their cases before the Islamic Shariah courts. The Committee also wishes to know to what extent the Convention can be invoked before the civil and Shariah courts, and what rules of the Shariah answer to the requirements of the Convention. It wishes to receive more information about the relationship between the Provisional Constitution of 1972, in particular article 9 guaranteeing equality before the law, and the principles of Shariah as a source of law.

11. The Committee notes the information provided by the delegation on the conditions governing the acquisition of the nationality of Qatar. It is nonetheless concerned at the distinction made in article 3 of Act No. 3/1963, as amended by Act No. 3/1969, between nationals of Arab countries and others as regards the length of time they must reside in Qatar before they can submit an application for naturalization. The Committee requests the State party to consider the possibility of modifying this provision in order to conform to article 5 (d) (iii) of the Convention. It wishes also to receive more information regarding modalities for the acquisition of nationality for children of mixed marriages.

12. The Committee notes with concern the distinction drawn between citizens by birth and naturalized citizens as regards access to public office and other kinds of employment, as well as the right to vote and to stand for election. The Committee believes that the supplementary conditions attached to the exercise of these rights by naturalized citizens are not consistent with article 5 (c) and (e) (i) of the Convention. It recommends that the State party bring its legislation into line with article 5 of the Convention. It also requests that the next periodic report of the State party provide information on the number of naturalized persons in Qatar and their nationalities before naturalization.

13. Concern was expressed that marriage between nationals of Qatar and foreigners is subject to prior approval by the Minister of the Interior. The Committee requests the State party to explain in its next periodic report the reason for such a restriction on the right to marry and choose one's spouse, and would like to have further information on the scope of this restriction.

14. The Committee also notes with concern that the State party does not appear to guarantee freedom of marriage between nationals and non-nationals unless the latter are nationals of States members of the Gulf Cooperation Council. Such a distinction, based upon national origin, does not, in the Committee's view, appear to be consistent with article 5 (d) (iv) of the Convention.

15. The Committee notes that the State party's legislation does not, in principle, allow members of different religions to inherit from each other; it has learned from the delegation's explanations, however, that a Muslim can draw up a will in favour of a non-Muslim. The Committee emphasizes that such a situation should not result in certain categories of people being excluded from the right to inherit, given the requirements of article 5 (d) (iv) of the Convention. The Committee asks the State party to include fuller information on this subject in its next report.

16. Members of the Committee noted that foreigners leaving the territory of the State party must present a guarantee or a certificate. The Committee wishes to know whether this requirement extends to all foreigners.

17. The Committee notes that, as a general rule, foreigners are not permitted to own real estate in Qatar, except within certain limits. The Committee would like to receive more information about these limits.

18. On the subject of education, the Committee notes with satisfaction the existence of numerous schools run by foreign nationals, which follow varying curricula. In this regard, the Committee requests that the next report provide more information on the extent and nature of the Minister of Education's supervision of the curricula in these schools and how the integration of these schools into the national school system is sought.

19. The Committee recommends that the State party institute training programmes on human rights and understanding among ethnic groups for law enforcement officials, including policemen, military and prison staff, and members of the judiciary.

20. While noting with satisfaction that minorities are entitled to practise their religious rites, the Committee wishes to receive further information regarding limitations on this right, based on respect for public order or Islamic precepts.

21. The Committee has taken careful note of the assurances by the State party delegation that the law guarantees all workers equal status. It wishes, however, to obtain further information on the practical implementation of this principle, particularly given the high proportion of migrant workers in Qatar. The Committee requests the State party to include in its next periodic report statistics disaggregated by migrants' national origin, which would provide a better understanding of the economic and social standing of non-nationals of Qatar in relation to their national and ethnic origins.

22. The Committee requests the State party to include in its next periodic report information on progress made in establishing a national human rights institution, and further details of the intended membership, mandate and status of that institution. In this connection, it draws the attention of the State party to the Paris Principles annexed to General Assembly resolution 48/134.

23. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

24. The Committee recommends that the text of the Convention and its own concluding observations be disseminated as widely as possible. It notes with satisfaction the delegation's statement that the Al-Jezira television network of Qatar could play an important role in publicizing the Convention and the work of the Committee within the Arab world.

25. The State party is invited to include in its next periodic report specific information on the composition of the population, including its ethnic and demographic characteristics.

26. The Committee recommends that the State party submit its thirteenth periodic report together with the fourteenth report, due on 21 August 2003, as an updated report responding to all the points raised in these concluding observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

SOLOMON ISLANDS

1. At its 1502nd meeting, held on 8 March 2002 (CERD/C/SR.1502), the Committee reviewed the implementation of the Convention by the Solomon Islands based upon the concluding observations on the initial report in 1983 (see CERD/C/101/Add.1 and A/38/18, paras. 421-430) and previous reviews of the implementation of the Convention in 1992 and 1996 (see A/47/18, paras. 246-253 and A/51/18, paras. 446-448). The Committee also took into consideration a variety of materials from both intergovernmental and non-governmental sources. The Committee regrets that Solomon Islands has not responded to its invitations to participate in the meeting and to furnish relevant information.

2. While it is noted with appreciation that Solomon Islands has recently submitted initial reports to the Committee on Economic, Social and Cultural Rights and to the Committee on the Rights of the Child, it is regretted that a report has not been submitted to the Committee on the Elimination of Racial Discrimination since the State party's initial report in 1983. It is recalled that the purpose of the reporting system is for States parties to establish and maintain a dialogue with the Committee on the measures adopted, progress made and difficulties encountered in

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complying with the rights recognized in the Convention. The non-performance by a State of its reporting obligations creates serious obstacles to the effective functioning of the monitoring system set up by the Convention.

3. The Committee recognizes the challenging economic and social conditions faced by Solomon Islands and is aware of the political and ethnic conflicts which have exacerbated the situation there. It is also aware of the violent conflict between the Isatabu Freedom Movement (IFM) and the Malaita Eagle Force (MEF), which has led to gross violations of human rights in Solomon Islands. Internal displacement, hostage taking, killings, torture, rape, looting and the burning of village homes have been reported by a number of intergovernmental and non-governmental organizations. The Committee is concerned that, despite several attempts at securing peace, favourable results have been limited, as tension between the two groups remains high. The Committee is hopeful that the successful elections held in December 2001 and the new ruling party's stated promise to rehabilitate the country politically and economically and to ensure better security will lead to sustainable peace and security in Solomon Islands.

4. In line with its previous recommendations, the Committee strongly urges the Government of Solomon Islands to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines.

5. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

SAINT VINCENT AND THE GRENADINES*

1. At its 1511th meeting, held on 14 March 2002 (see CERD/C/SR.1511), the Committee reviewed the implementation of the Convention by Saint Vincent and the Grenadines based upon the State party's initial report (CERD/C/85/Add.1), the concluding observations issued in relation to that report (see A/39/18) and previous reviews of the implementation of the Convention undertaken in 1992 and 1996 (see A/47/18 and A/51/18, paras. 443-445). The Committee reiterates its regret that the State party has not submitted a report since the submission of its initial report in 1983.

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2. Recalling that the purpose of the reporting system is for States parties to establish and maintain a dialogue with the Committee on the measures adopted, progress made and difficulties encountered in complying with the obligations under the Convention, the Committee regrets that Saint Vincent and the Grenadines has not been able to respond to its invitation to participate in the meeting and to furnish relevant information. In this connection, it is noted that the State party does not have diplomatic representation in Geneva. The Committee further notes that the non-performance by a State of its reporting obligations creates serious obstacles to the effective functioning of the monitoring system set up by the Convention.

3. The Committee reiterates its concern that the initial report of St. Vincent and the Grenadines did not comply with the requirements of article 9 of the Convention as it consisted of a single paragraph asserting that there was no form of racial discrimination practised in the country and that protection from such discrimination was provided in the basic clauses of the Constitution. In this connection, the Committee takes note of reports regarding the human rights situation in St. Vincent and the Grenadines, including alleged discrimination against certain minorities such as the Amerindians and Asians. Reports further indicate that these groups are overrepresented at the lower-income levels of the State economy and that members of some minorities consider that they have been discriminated against by the majority.

4. While noting that the State party recently submitted a detailed report to the Committee on the Rights of the Child (CRC/C/28/Add.18) and previously to the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1, paras.123-150), the Committee suggests that the Government of Saint Vincent and the Grenadines avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights, with the aim of preparing and submitting, as soon as possible, a report drafted in accordance with the reporting guidelines.

5. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

SWITZERLAND

1. The Committee considered the second and third periodic reports of Switzerland (CERD/C/351/Add.2), which were due on 29 December 1997 and 29 December 1999 respectively, as well as a supplementary report at its 1495th and 1496th meetings (CERD/C/SR.1495 and 1496), held on 4 and 5 March 2002. At its 1520th meeting (CERD/C/SR.1520), held on 21 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party, the contents of which fully correspond to the Committee's revised reporting guidelines (CERD/C/70/Rev.5). The Committee appreciates the detailed answers to concerns expressed and recommendations made in its previous concluding observations, as well as the additional substantial oral information provided by the delegation in response to the questions asked. The Committee expresses its appreciation for the frank and constructive dialogue with the representatives of the State party.

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B. Positive aspects

3. The Committee welcomes the progress made by the State party since the consideration of its initial report (CERD/C/270/Add.1) in significantly advancing the implementation of the provisions of the Convention. In this context, it welcomes the fact that the New Federal Constitution, which entered into force in January 2000, incorporates the principle that all human beings are equal before the law (art. 8).

4. The Committee notes with satisfaction that a number of recent reforms of cantonal constitutions have included provisions prohibiting discrimination.

5. The Committee also notes that the Convention forms an integral part of the Swiss legal system, that some of its provisions may be directly invoked before the courts and that the Federal Court has referred to the provisions of the Convention on several occasions.

6. The Committee welcomes the information provided by the State party on the number of cases dealt with by the courts under article 261 bis of the Penal Code, which penalizes public incitement to racial hatred and discrimination and the spreading of racist ideas.

7. The Committee expresses satisfaction at the establishment of a fund of 15 million Swiss francs aimed at financing projects to combat racism, which include the creation of a nationwide network of advisory centres for victims of racial discrimination. It further welcomes the creation of a Service to Combat Racism aimed, inter alia, at coordinating measures to combat racism, anti-Semitism, xenophobia and extremism within the federal administration and the cantons.

C. Concerns and recommendations

8. The Committee wishes to emphasize that despite the federal structure of the State party, which may render more difficult the full application of the State party's obligations under the Convention in all parts of its territory, the Federal Government has the responsibility of ensuring the implementation of the Convention on its entire territory and must ensure that cantonal authorities are aware of the rights set out in the Convention and take the necessary measures in order to respect them.

9. The persistence of hostile attitudes towards black people, Muslims and asylum-seekers in Switzerland is of utmost concern to the Committee. The Committee recommends that the State party continue its efforts to prevent and combat such attitudes, including through information campaigns and education of the general public. Further, in the light of its general recommendation XIX, the Committee encourages the State party to continue monitoring all tendencies which may give rise to racial or ethnic segregation and endeavour to combat the negative consequences of such tendencies.

10. The Committee is concerned at expressions of xenophobic and racist attitudes in naturalization procedures, particularly those subject to popular vote. It is also concerned that according to legislation still in force decisions taken in accordance with such procedures are not subject to legal review. The Committee is of the view that the right to appeal against decisions, in particular arbitrary or discriminatory ones, in matters relating to naturalization has to be made

an integral part of the policy on naturalization, currently in the process of being amended. Further, the State party should endeavour to avoid statelessness, particularly of children, on its territory, bearing in mind article 38 (3) of the new Federal Constitution, which stipulates that the Confederation "shall facilitate the naturalization of stateless children".

11. While welcoming the position of the Federal Council according to which segregated schooling would be contrary to the Federal Constitution, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee expresses concern about recent moves towards the establishment of separate classes for foreign pupils in some cantons. It is the view of the Committee that segregated schooling may only in exceptional circumstances be considered as being in conformity with article 2 in conjunction with article 5 (e) (v) of the Convention.

12. Allegations of police abuse and excessive use of force against persons of foreign origin during arrest or in the course of deportations are also of concern. The Committee notes that many cantons do not have independent mechanisms for investigation of complaints regarding violence and abuse by the police, and that sanctions against responsible officers have been rare. The State party should ensure that independent bodies with authority to investigate complaints against police officers are established in all cantons. Efforts should also be made to recruit members of minority groups into the police and to provide sensitization and training of police officers on issues of racial discrimination.

13. While commending the important work undertaken by the Federal Commission against Racism, the Committee notes that the Commission has limited powers of action. The State party is invited to strengthen the powers and means of the Federal Commission against Racism. The present exercise to consider setting up a national human rights institution should take note of the criteria for setting up such institutions established by the General Assembly in its resolution 48/134 (the Paris Principles).

14. Noting that the former "three-circle" immigration policy of Switzerland which classified foreigners according to categories of national origin and capacity for integration was abandoned and replaced by a binary admissions system and in view of the dialogue held with the Swiss delegation in this respect, the Committee invites the State party to consider if the reservation to article 2 (1) (a) of the Convention is still necessary or may be withdrawn.

15. The Committee is also concerned about the situation of Travellers, including Roma and Jenish, in Switzerland and hopes that efforts will continue to be made to improve their living and working conditions.

16. The Committee requests information about the legislation in force prohibiting racial discrimination within the private sector in fields such as employment, housing, education, health and access to public places.

17. The Committee takes note of the proceedings under way at the level of the executive organs with a view to formulating the optional declaration provided for in article 14 of the Convention and encourages the State party to complete these proceedings.

18. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

19. The Committee recommends that the State party submit its fourth periodic report jointly with its fifth periodic report, due on 29 December 2003, that it be an updating one and that it addresses all points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination*

TURKMENISTAN

1. At its 1507th meeting, held on 12 March 2002 (see CERD/C/SR.1507), the Committee reviewed the implementation of the Convention by Turkmenistan based on a variety of materials from both intergovernmental and non-governmental sources. The Committee notes that Turkmenistan does not have any representation in Geneva, but nevertheless regrets that the State party was not able to respond to its invitations to participate in the meeting and furnish relevant information. The Committee notes with concern that Turkmenistan, which acceded to the Convention in 1994, has not yet reported to the Committee. It wishes to draw to the attention of the State party that reporting is an obligation under article 9 of the Convention, and that non-compliance in this regard creates serious obstacles to the effective functioning of the monitoring system set up by the Convention.

2. Although Turkmenistan has ratified the main international instruments in the field of human rights, it has not reported to any United Nations treaty body. The State party, moreover, has not responded to communications sent by special rapporteurs of the Commission on Human Rights.

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3. The Committee expresses deep concern about grave allegations of human rights violations in Turkmenistan, both in the civil and political, as well as social, economic and cultural domains and, in connection with article 5 of the Convention, would like to receive more information from the State party on these matters.

4. In particular, the Committee is concerned about alleged discrimination affecting persons belonging to minorities in the fields of employment and education, as well as with respect to the freedom of thought, conscience and religion. The Committee received information alleging that the State party's present policy of promotion of Turkmen identity leads to discrimination against persons not of Turkmen ethnicity.

5. The Committee further notes with deep concern that, according to information received, only the Russian Orthodox Church and the Sunni branch of Islam enjoy legal status, while other confessions are denied registration by the State party and their members are subject to increased persecution, such as disruption of religious services, including in private homes, prohibition of literature, detentions and ill-treatment of religious leaders, destruction of places of worship and restriction of freedom of movement imposed on religious leaders, which may be in contravention with article 5 of the Convention.

6. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

7. The Committee strongly urges the Government of Turkmenistan to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines. In this regard, the Committee wishes to draw the attention of the State party to its general recommendation X concerning technical assistance. The Committee suggests that the State party respond positively to the proposal made by the High Commissioner for Human Rights in February this year relating to the conduct of a human rights needs assessment in Turkmenistan. The aim of such an assessment is to formulate a programme to assist the State party in developing its national capacities to promote and protect human rights.

8. The Committee decided that a communication should be sent to the Government of Turkmenistan setting out its reporting obligations under the Convention and urging that the dialogue with the Committee start as soon as possible.